IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1319 OF 1997

Suhas Govind Lotlikar ...Appellant

Vs.

Suresh Govind Lotlikar & Ors. ...Respondents

WITH

APPEAL FROM ORDER NO.1320 OF 1997

Miss Pinki S. Lotlikar ...Appellant

Vs.

Suresh Govind Lotlikar & Ors. ...Respondents

Ms Prachi Tatke h/for Mr R.A.Thorat for the Appellant in both the Appeals.

Mr J.M. Chodankar for the Respondent No.1 in both the Appeals.

Mr A.M. Vernekar for the Respondent No.2 in both the Appeals.

CORAM : A.M. KHANWILKAR, J.

DATE : JUNE 20, 2006.

JUDGMENT:

1. It is not in dispute that in terms of order dated 07th April, 2006 the appellant-original defendant No.1 has deposited sum of Rs.11 lakhs in this court. The amount so deposited be treated as full and final amount to be paid by the appellant-original defendant No.1 so as to accept his request to allow him to purge the contempt. Mr.

Vernekar appearing for the respondent No.2 -original defendant No.2 submits that mother of the respondent No.2 has 50% in the suit property as per the provisions of Family Laws of Goa. He submits that during pendency of this proceedings the suit which was filed has been finally decreed on 03rd November, 2003. It is not necessary for this court to go into all these issues. The proceedings before this court emanate from the application against the defendant No.1 and other parties who had allegedely breached the order of injunction passed by the Trial Court. The Trial Court has found the appellants before this court- original defendant No.1 and original respondent No.7 as guilty. This court in its order dated 07th April, 2006 has already observed that benefit will have to be given to the original respondent No.7. The finding of guilt against the appellant-original Defendant No.1, however, has been confirmed in the said order. As mentioned earlier, with a view to purge contempt the appellant-original defendant No.1 has deposited sum of Rs.11 lakhs in this court in terms of order dated 07th April, 2006. The deposit so made by the appellant-original defendant No.1 will have to be accepted as full and final payment in terms of order dated 07th April, 2006. The appellant-defendant No.1 is therefore allowed to purge

contempt. The sentence awarded by the Trial Court is modified and instead the same is reduced to till rising of the court for today.

2. The next question is the disbursal of the amount of Rs.11 lakhs. The counsel appearing for the parties were called upon to resolve that issue amicably. It is made clear that the amount of Rs.11 lakhs will be distributed in seven equal units. One unit to be shared equally by the legal representatives of late Pratibha A. Madkaikar and the remaining six units respectively between No.1, 2 and 4 to 7 as under:

1. Satyawati Govind Lotlikar,
2. Mr Suresh G. Lotlikar,
3. Legal representatives of late Pratibha A. Madkaikar:

    (a) Leena Kalokhe,
    (b) Smita M. Raikar,
    (c) Vandana J. Vernekar,
    (d) Tanuja A. Raikar,
    (e) Satyen P. Madkaikar

4. Anjali N. Gaikdar,

5. Sonali R. Potdar,

6. Seema R. Kanekar,

7. Anil G. Lotlikar

3. Registry will permit the concerned parties to withdraw their respective shares if applied. Appeals disposed of on above terms with no orders as to costs.

4. It is made clear that the factum of possession of any party will have to be governed by the opinion recorded by the Trial Court while deciding the suit between the parties.

JUDGE